

## Chapter 11.18

### DRUG PARAPHERNALIA

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#### 11.18.010 Purpose of provisions.

It is the intent of this chapter to discourage the use of narcotics by eliminating paraphernalia designed for processing, ingesting or otherwise using a controlled substance.

#### 11.18.020 Drug paraphernalia defined.

As used in this chapter, “drug paraphernalia” means any equipment, product or material used or intended for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce a controlled substance into the human body in violation of *Utah Code Ann.* chapter 17, title 58, as amended, or its successor, and includes, but is not limited to:

A. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

B. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

C. Isomerization devices used, or intended for use, to increase the potency of

any species of plant which is a controlled substance;

D. Testing equipment used, or intended for use, to identify or to analyze the strength, effectiveness or purity of a controlled substance;

E. Scales and balances used or intended for use in weighing or measuring a controlled substance;

F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannited, dextrose and lactose, used or intended for use to cut a controlled substance,

G. Separation gins and sifters used or intended for use to remove twigs, seeds, or other impurities from marijuana;

H. Blenders, bowls, containers, spoons and mixing devices used or intended for use to compound a controlled substance;

I. Capsules, balloons, envelopes and other containers used or intended for use to package small quantities of a controlled substance;

J. Containers and other objects used or intended for use to store or conceal a controlled substance;

K. Hypodermic syringes, needles and other objects used or intended for use to parenterally inject a controlled substance into the human body; and

L. Objects used or intended for use to ingest, inhale or otherwise introduce marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine

vials;

7. Chamber pipes;
8. Carburetor pipes;
9. Electric pipes;
10. Air-driven pipes;
11. Chillums;
12. Bongs; and
13. Ice pipes or chillers.

#### **11.18.030 Criteria for determining whether object is drug paraphernalia.**

In determining whether an object is drug paraphernalia, the trier of fact, in addition to all other logically relevant factors, should consider:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. Prior convictions, if any, of any owner, or of anyone in control of the object, under any state or federal law relating to a controlled substance;
- C. The proximity of the object, in time and space, to a direct violation of this chapter;
- D. The proximity of the object to a controlled substance;
- E. The existence of any residue of a controlled substance on the object;
- F. Instructions, whether oral or written, provided with the object concerning its use;
- G. Descriptive materials accompanying the object which explain or depict its use;
- H. National and local advertising concerning its use;
- I. The manner in which the object is displayed for sale;
- J. Whether the owner or anyone in control of the object is a legitimate supplier of life or related items to the community, such as licensed distributor or dealer of tobacco products;
- K. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- L. The existence and scope of legitimate uses of the object in the community; and
- M. Expert testimony concerning its use.

#### **11.18.040 Unlawful acts involving drug paraphernalia.**

A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter.

B. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter.

C. It is unlawful for any person eighteen years or age or over to deliver drug paraphernalia to a minor.

D. It is unlawful for any person to place in this city, in any newspaper, magazine, handbill or other publication, any advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia.

#### **11.18.050 Seizure and forfeiture of materials.**

Drug paraphernalia used in violation of this chapter shall be subject to seizure and forfeiture to the city.

#### **11.18.060 Violation—Penalty.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor.